

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
CHARLES WINECOFF,

Plaintiff,

Index No.

Date Purchased:

-against-

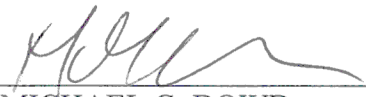
Plaintiff designates
NEW YORK

County as the place of trial.

FRIENDS SEMINARY, JOHN AND JANE DOE 1-30,
MEMBERS OF THE BOARD OF TRUSTEES OF
FRIENDS SEMINARY, in their official and
individual capacities, whose identities are presently
unknown to Plaintiff,The basis of the venue is
Defendants' place of
business.Defendants.
-----XSUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York .
September 17, 2019

MICHAEL G. DOWD
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SWEENEY, REICH & BOLZ, LLP
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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK -

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CHARLES WINECOFF,

Plaintiff,

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Date Filed:

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FRIENDS SEMINARY, JOHN AND JANE DOE 1-30,
MEMBERS OF THE BOARD OF TRUSTEES OF
FRIENDS SEMINARY, in their official and
individual capacities, whose identities are presently
unknown to Plaintiff,

VERIFIED COMPLAINT

Defendants.

-----X

Plaintiff, Charles Winecoff, by his attorney, Michael G. Dowd, complaining of
Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because New York County is the principal place of business of Defendants. In addition, all of the events giving rise to this action occurred in New York County.

AS AND FOR A FIRST CAUSE OF ACTION:

NEGLIGENT SUPERVISION

4. The Plaintiff, Charles Winecoff (hereinafter "Plaintiff") was born on April 13,

1960. He is a resident of the State of California.
5. Plaintiff attended FRIENDS SEMINARY from 1974 when he entered the ninth grade through 1978 when he graduated from twelfth grade.
 6. Defendant FRIENDS SEMINARY is at all material times a private, non-profit corporation doing business in New York County, New York.
 7. Founded in 1786, FRIENDS SEMINARY is a college preparatory school for grades kindergarten through twelfth grade.
 8. JOHN AND JANE DOE 1-30, whose names are presently unknown, were members of the FRIENDS SEMINARY Board of Trustees during all material times herein. Upon information and belief, the Board of Trustees is responsible for the operation of FRIENDS SEMINARY, including fundraising and hiring the Principal.
 9. Upon information and belief, according to its website, the following is FRIENDS SEMINARY's mission: "We strive to build a diverse school where students exercise their curiosity and imagination as they develop as scholars, artists and athletes... We prepare students to engage in the world that is and to help bring about a world that ought to be."
 10. Upon information and belief, Lawrence Murphy (hereinafter "Murphy") was hired by FRIENDS SEMINARY as a college counselor in or around the fall of 1976. Upon information and belief, Murphy remained an employee at FRIENDS SEMINARY through the time Plaintiff graduated.
 11. Upon information and belief, when Murphy met Plaintiff in or around the fall of 1976 he was an employee and agent of FRIENDS SEMINARY acting within the

course and scope of his authority as a FRIENDS SEMINARY employee. Murphy continued acting as an employee and agent of FRIENDS SEMINARY through the entire period when Murphy sexually abused Plaintiff.

12. Commencing in or around the spring/summer of 1977, Murphy began a process of grooming Plaintiff with the goal of sexually abusing him.
13. The grooming included but was not limited to Murphy giving Plaintiff special attention, inviting him over to his home for dinner and providing Plaintiff, a minor, with alcohol.
14. This above-mentioned grooming behavior regarding special attention was done in the presence of, or within the observation of FRIENDS SEMINARY employees.
15. At all material times, Plaintiff was aware of no FRIENDS SEMINARY rules or regulations or policies concerning or addressing sexual abuse and sexual misconduct of FRIENDS SEMINARY students, such as Plaintiff, by employees such as Murphy.
16. During all material times, Plaintiff received no training or information in any form, including but not limited to, classroom instruction or oral presentation, or through written document on how to deal with sexual misconduct, sexual abuse, and sexual boundary violations by FRIENDS SEMINARY employees on students like himself.
17. Between in or around June and July of 1977, Murphy sexually abused Plaintiff. The abuse first occurred after Murphy and other FRIENDS SEMINARY employees were at a graduation party with FRIENDS SEMINARY students, including Plaintiff. Murphy invited Plaintiff, who was intoxicated to his

apartment. The sexual abuse included but was not limited to, Murphy orally copulating Plaintiff and Plaintiff orally copulating Murphy. Plaintiff estimates the abuse occurred on at least two occasions.

18. Upon information and belief, Plaintiff was not the only FRIENDS SEMINARY student Murphy abused. Murphy informed Plaintiff in bragging fashion he had been “intensely sexually involved” with another FRIENDS SEMINARY student.
19. Upon information and belief, during all material times herein, when Plaintiff was enrolled in school and communicating and otherwise interacting with Murphy, he was entrusted by his parent to the care of all Defendants and during such periods the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over him as a minor child and as a student at the school.
20. Upon information and belief, Murphy used his position of trust and authority vested in him by the Defendants for the purpose of sexually abusing Plaintiff.
21. Upon information and belief, the sexual abuse of Plaintiff by Murphy was foreseeable.
22. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over the students, including Plaintiff, under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that Defendants assumed a duty of care to protect the safety and welfare of Plaintiff as a student at FRIENDS SEMINARY. At all material times, Defendants owed a duty to Plaintiff to provide a safe and nurturing educational environment, where he would be

protected from staff like Murphy who were under the employment and control of the Defendants.

23. Upon information and belief, during Murphy's employment by FRIENDS SEMINARY and while Plaintiff was a student in FRIENDS SEMINARY's care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
24. During all material times, FRIENDS SEMINARY owed a special duty to Plaintiff that required FRIENDS SEMINARY to take reasonable steps to anticipate such behavior from its employees like Murphy, which threatened the safety of students including Plaintiff.
25. At all material times, Defendants had a duty to properly supervise Murphy as their employee and because of their duty of care to Plaintiff.
26. At all material times, Plaintiff reposed his trust and confidence as a student and minor child in Defendants, who occupied a superior position of influence and authority over Plaintiff to provide Plaintiff with a safe and secure educational environment.
27. Upon information and belief, at all material times, Defendants knew or should have known of Murphy's propensity to sexually abuse minor students.
28. Upon information and belief, the Defendants negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abuse of students by FRIENDS SEMINARY employees.

29. Upon information and belief, the failure to supervise, includes but is not limited to, failure to supervise Murphy during non-instructional time when he associated with students and the failure to adequately supervise students during non-instructional time.
30. Upon information and belief, the injury to Plaintiff resulted from Defendants' failure to provide Plaintiff the supervision of a parent of ordinary prudence under the same circumstances.
31. Upon information and belief, the injuries to Plaintiff were a foreseeable consequence of Defendants' negligent failure to supervise Murphy and Plaintiff. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of Murphy as it related to the Plaintiff.
32. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Murphy.
33. By reason of the foregoing, Plaintiff sustained psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, anger, anxiety, hyper-vigilance, major trust issues, alcoholism, emotional separation from family, and loss of confidence and has been caused to suffer pain and mental anguish, alcoholism, suicidal thoughts, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

34. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
35. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
36. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:

NEGLIGENT RETENTION

37. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
38. Upon information and belief, as more fully alleged above, Defendants' duty of care to the Plaintiff included a duty not to retain an employee like Murphy who would use his position of authority and influence to harm students such as Plaintiff.
39. Upon information and belief, Defendants knew or should have known that Murphy was grooming Plaintiff for the purpose of sexually abusing him and failed to take any steps to stop the abuse or prevent harm to Plaintiff.
40. Upon information and belief, Defendants knew or should have known that Murphy was sexually abusing Plaintiff and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
41. When Plaintiff was in their care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar

circumstances.

42. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Murphy.
43. Defendants are liable to Plaintiff as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to Plaintiff by Murphy.
44. By reason of the foregoing, Plaintiff sustained psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, anger, anxiety, hyper-vigilance, major trust issues, alcoholism, emotional separation from family, and loss of confidence and has been caused to suffer pain and mental anguish, alcoholism, suicidal thoughts, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
45. That be reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
46. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
47. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

NEGLIGENT FAILURE TO TRAIN TEACHERS AND ADMINISTRATORS RELATED

TO SEXUAL ABUSE AND TRAIN STUDENTS RELATING TO SEXUAL ABUSE

48. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
49. Upon information and belief, Defendants, their agents, servants and employees owed a duty of care to Plaintiff as more fully alleged above. That duty included the duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent and address inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct and the sexual abuse of students by employees for the purpose of preventing the sexual abuse of students like Plaintiff.
50. Upon information and belief, Defendants did not establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect, prevent and address the problem of the inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct and the sexual abuse of students by employees.
51. Upon information and belief, in failing to establish such training and education programs, policies and procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

52. Upon information and belief, Defendants had a duty to train and educate students including Plaintiff on inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct and the sexual abuse of students by employees, and to establish effective policies and procedures to address said problems.
53. Upon information and belief, Defendants did not train and educate Plaintiff on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct and the sexual abuse of students by employees and did not establish effective policies and procedures to address said problems.
54. Upon information and belief, in failing to establish such training and education programs, policies and procedures for students like Plaintiff, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
55. Upon information and belief, Defendants are liable to Plaintiff, as the result of their negligent failure to establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect and prevent inappropriate employee behavior and conduct and including employee-student boundary violations, sexually inappropriate employee behavior and conduct and the sexual abuse of students by employee. Defendants are also liable to Plaintiff for their failure to train and educate Plaintiff as a student on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior

and conduct and the sexual abuse of students by employees and to establish effective policies and procedures to address said problems.

56. Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to develop such effective training and education programs, policies and procedures for employees, administrators and students.
57. Defendants, their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent abuse of youth.
58. By reason of the foregoing, Plaintiff sustained psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, anger, anxiety, hyper-vigilance, major trust issues, alcoholism, emotional separation from family, and loss of confidence and has been caused to suffer pain and mental anguish, alcoholism, suicidal thoughts, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
59. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
60. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

61. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:


NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

62. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
63. At all material times, as more fully set forth above, Defendants had the duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar circumstances.
64. During all material times, FRIENDS SEMINARY owed a special duty to Plaintiff as a student. This special duty required FRIENDS SEMINARY to take reasonable steps to anticipate such threats from its employees like Murphy which threatened the safety of Plaintiff.
65. Upon information and belief, by virtue of both their duty of care to Plaintiff and the positions of authority and influence they exercised over him, Defendants had a duty to Plaintiff to provide him a reasonably safe and secure environment at FRIENDS SEMINARY.
66. Upon information and belief, Defendants failed to provide a reasonably safe environment to Plaintiff by failing to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
67. As a result, Defendants are liable to Plaintiff for their negligent failure to provide a reasonably safe and secure environment.

68. Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to provide Plaintiff with a safe and secure environment at FRIENDS SEMINARY.
69. By reason of the foregoing, Plaintiff sustained psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, anger, anxiety, hyper-vigilance, major trust issues, alcoholism, emotional separation from family, and loss of confidence and has been caused to suffer pain and mental anguish, alcoholism, suicidal thoughts, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
70. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
71. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
72. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
September 17, 2019



MICHAEL G. DOWD
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
By: Gerard J. Sweeney, Esq.
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Attorneys for Plaintiff


VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
September 17, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
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New York, NY 10016
(212) 751-1640